

4.3 Richmond River Foreshores - Proposed Land Swap

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Delivery Program Open Spaces & Reserves

Objective To advise the Reserve Trust of a request for a land swap in the Crown reserve known as the RSL Park, Ballina and to seek direction in the management of this request.

Background

Council was appointed Reserve Trust Manager of the Crown reserve known as Captain Cook Park and RSL Park, Ballina on 27 July 2012.

Ballina Council, acting as the Reserve Trust Manager, has received a request to consider a land swap which involves a change in the location of the boundary between the park known as the RSL Park and the land owned by the Ballina RSL Club that is currently used as a car park. The proposed land swap is shown in Attachment 1 and Option 2 being the option requested by the RSL Club.

Key Issues

- Details and merits of the proposed land swap

Information

The park known as the RSL Park is located to the west of the Ballina RSL Club in Grant Street, Ballina. Members of the Ballina RSL Sub-branch have an interest in the park as it is the site of their Cenotaph and many of their memorial ceremonies are conducted in the park. The Sub-branch requested assistance from Council to address a number of issues relating to the park and its future use and development.

Staff have been working with members of the Ballina RSL Sub-branch to address their concerns which include:

- Relocation of the Cenotaph
- Management of Fig Tree roots
- Vegetation maintenance
- Lighting in the park
- Accommodation of increasing ANZAC Day crowds and
- Plans that will enable a grant application to be submitted to carry out works.

In partnership with the sub-branch a draft masterplan for the park has been prepared to address these issues and provide for the future use of the park as a memorial park. A copy of the draft masterplan is included as Attachment One.

With the possibility of grants becoming available for the Centennial celebrations in 2015 the masterplan has been prepared to enable grant applications to be submitted.

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During the course of preparing the masterplan the Ballina RSL Club and the Ballina RSL Sub-branch requested that Council consider a land swap that would re-align the northern park boundary and place in public ownership access to the river. The land swap would benefit both the park and Ballina RSL Club. The new boundary alignment would provide the club with a site that is better suited to redevelopment of the current car park. Options for a land swap were prepared and are shown in Attachment Two.

Option Two was nominated by the Ballina RSL Club as it provides a swap of equal areas of land. As can be seen from the land swap plan this option places in public ownership a section of the river front that is required to enable future extension of the bike path along the river edge. The land swap will also result in the park having more useable space and enable the relocation of the Cenotaph to maximise public access to the park.

In order for this matter to progress a resolution is required from the Reserve Trust supporting the land swap.

Legal / Resource / Financial Implications

There will be costs associated with the land swap and it is recommended that the costs be evenly shared as both parties can benefit from this proposal.

Consultation

Consultation has been carried out with the Ballina RSL Club and Sub-branch.

Options

1. The Reserve Trust may resolve to decline this request for a land swap and leave the reserve in its current configuration. This does not take advantage of the opportunity to place in public ownership access to the river and improve the layout of the park.
2. The Reserve Trust may resolve to agree to the land swap as shown in Attachment 2, Option 2. The Reserve Trust may determine that the costs associated with the land swap be paid by the Ballina RSL Club as the club will benefit from the land swap or evenly shared, or the Reserve Trust pay.

Overall this is an even land swap with both parties able to benefit. On this basis the recommendation is to provide support for the land swap with costs to be evenly shared between the parties involved.

Finally Section 377 of the Local Government Act does not allow the sale, or transfer of land to be delegated by a council. As this is a meeting of the Reserve Trust, if the decision to swap is supported, a further report will need to be submitted to an Ordinary meeting of Council confirming the Reserve Trust's position.

That report will be presented to the Ordinary meeting of Council once all the finer details such as costs, timeframes etc are determined between the various parties.

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RECOMMENDATIONS

1. That Council, as the Reserve Trust Manager, provides in principle support for the proposed land swap and re-alignment of the boundary between the RSL Park (Lot 546, DP 821,908) and land owned by the Ballina RSL Club (Lot , DP 866,388) as detailed within this report.
2. That the cost of the land swap be shared evenly between Council, as the Reserve Trust Manager and the Ballina RSL Club.

Attachment(s)

1. RSL Park Draft Masterplan
2. Aerial Photo - Land Swap Options

11.1 Ballina RSL Land Swap - Update.DOC

